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U.S. COURT OF APPEALS

SEP 14 2020

FILED _____
DOCKETED _____ DATE _____ INITIAL _____

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

Paul Hupp

Appellant,

v.

**Rebecca Lynn Dugan,
John Washburne Vineyard,
Leslie Irene Ryder, A/K/A Leslie Irene
Hupp;
Lisa Martinez Shiozaki;
Kellen S. Stevens;
Dennis M. Sandoval;
De La Housaye & Associates, A Law
Corporation;
Roes 1-10;
Individually, Jointly, Jointly and Severally,
Appellees.**

Case No.: **EDCV16-370-VAP(SP)**

**PLAINTIFF'S PETITION FOR WRIT OF
MANDAMUS; *ALTERNATIVELY*
NOTICE OF APPEAL UNDER TITLE 28
U.S.C. § 158; DESIGNATION OF THE
RECORD ON APPEAL; PLAINTIFF'S
STATEMENT OF ISSUES; TO THE 9TH
CIRCUIT COURT OF APPEAL;
RENEWED IFP (WRIT/APPEAL BASED
ON ISSUES IN EMERGENCY MOTION
FILED UNDER CIRCUIT RULE 27-3
THAT IS FILED CONCURRENTLY)**

I

Notice of Writ of Mandamus; Alternatively Appeal

Appellant Paul Hupp ("APPELLANT"), *In Propria Persona*, hereby gives notice of
Petition for Writ of Mandamus ("WRIT") mandating the District Court ("D-COURT") to
calendar and rule on APPELLANT'S *Ex Parte* Application filed on August 17, 2020;
alternatively APPELLANT files this paper as an appeal ("APPEAL") under Title 28 U.S.C. §
158 from the D-COURT'S failure to timely calendar and grant or deny APPELLANT'S *Ex Parte*
Application .

Paul Hupp
965 Hidden Oaks Drive
Beaumont, CA 92223
951-769-1268
In Propria Persona

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

Paul Hupp

Appellant,

v.

**Rebecca Lynn Dugan,
John Washburne Vineyard,
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Application .

1 This WRIT APPEAL is based upon the statement of issues accompanying this notice in
2 APPELLANT'S Emergency Motion under Circuit Rule 27-3, filed concurrently. The names of
3 all parties (bold) to the judgment appealed from, along with their addresses and telephone
4 numbers, are as follows;

5 Plaintiffs;

6 **Paul Hupp**
7 965 Hidden Oaks Drive
8 Beaumont, CA. 92223
9 (951) 769-1268

10 Defendants;

No Defendant/s have been served or appeared.

11 **II**
12 **Designation of the Record**

13 APPELLANT files the following designation of the record on appeal to the 9th Circuit
14 Court of Appeals under Title 28 U.S.C. 158.

15 The record in this case contains limited docket items and no court appearances requiring
16 transcripts. Plaintiff's requests all docket items for the record.

17 **III**
18 **Statement of Issues on Appeal**

19 Paul Hupp is, and has been for four (4) years, denied access to the courts and due process
20 of law under the First and Fourteenth Amendments; in state court and federal court by said
21 court's refusing access to accept civil actions, as outlined in APPELLANT'S Emergency Motion
22 under Circuit Rule 27-3, which by this reference is incorporated into this brief and filed
23 concurrently.

24 ///

25 ///

IV
IFP Fee Waiver Application

**PLAINTIFF PAUL HUPP'S EX PARTE MOTION FOR WAIVER OF ALL FEES
AND COSTS ON APPEAL PURSUANT TO TITLE 28 U.S.C. § 1915 (IN FORMA
PAUPERIS); POINTS AND AUTHORITIES AND DECLARATION OF PAUL
HUPP IN SUPPORT THEREOF**

APPELLANT Paul Hupp, *In Propria Persona*, files this renewed application for waiver of all fees and costs that relate to WRIT APPEAL pursuant to Title 28 U.S.C. § 1915.

APPELLANT filed a waiver in the District Court on August 17, 2020, and incorporates that waiver (not ruled on) for this WRIT APPEAL.

POINTS AND AUTHORITES IN SUPPORT OF FEE WAIVER

Plaintiff lacks the financial means necessary to pay the appeal filing fee.

All appeal costs that arise under In Forma Pauperis status, including transcripts, are included in the waiver. Authority- Title 28 U.S.C. § 1915 (c)(1)(2)(3). Transcripts are not required in this appeal/action.

V
**DECLARATION OF PAUL HUPP SUPPORTING IN FORMA PAUPERS
STATUS**

1. I am the Plaintiff/Appellant in this action, appearing in *Propria Persona*.
2. I am unemployed and currently have no dedicated income.
3. This appeal involves constitutional and due process questions that are well established, clear and should be clarified for uniformity and future litigation in this circuit.
4. I am entitled to address these issues at the appellate level to determine their scope, uniformity and constitutionality, as well as whether or not the trial court abused it's

1 discretion, or acted in an arbitrary and capricious manner, in refusing to calendar and
2 rule on my Emergency *Ex Parte* Application.

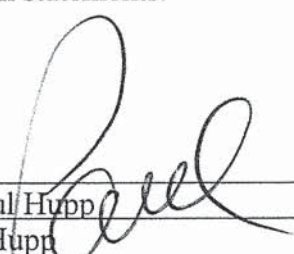
- 3 5. I will provide any and all documentation that the court requires to verify my IFP
4 status.

5 VERIFICATION

6 I, Paul Hupp, do hereby declare under penalty of perjury of the laws of the State of
7 California and of the United States, that the above listed statements are within my personal
8 knowledge, the statements are true and correct to the best of my knowledge, that all attached
9 exhibits or declarations, if any, are true and correct copies of the originals which are in my
10 personal possession, and if called upon to testify to such statements in a court of law of
11 competent jurisdiction, I would and could competently testify to all such statements.

12 Executed on September 4, 2020, at Beaumont, CA

13 Dated this 4th day of September, 2020

14 
15 /s/ Paul Hupp
16 Paul Hupp
17 965 Hidden Oaks Drive
18 Beaumont, CA. 92223
19 *In Propria Persona*
20
21
22
23
24
25

Monday, September 7, 2020

U.S. District Court – Civil Clerk
3470 12th Street
Riverside, CA 92501

RE: Attempt to File “Emergency” Papers @ 1:30 PM, Friday, September 4, 2020

Dear Clerk-

I attempted to file the two (2) attached papers on Friday, September 4, 2020, at 1:30 PM:

**1. APPELLANT’S EMERGENCY MOTION TO ORDER DISTRICT COURT TO
CALENDAR APPELLANT’S *EX PARTE* APPLICATION FORTHWITH**

**2. PLAINTIFF’S PETITION FOR WRIT OF MANDAMUS; *ALTERNATIVELY*
NOTICE OF APPEAL UNDER TITLE 28 U.S.C. § 158; DESIGNATION OF THE
RECORD ON APPEAL; PLAINTIFF’S STATEMENT OF ISSUES; TO THE 9TH
CIRCUIT COURT OF APPEAL; RENEWED IFP (WRIT/APPEAL BASED ON
ISSUES IN EMERGENCY MOTION FILED UNDER CIRCUIT RULE 27-3
THAT IS FILED CONCURRENTLY)**

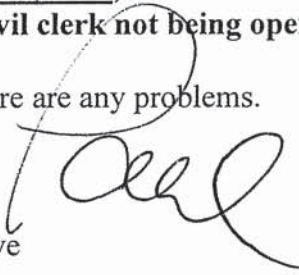
The court was locked down and there was no drop box. The US Marshall’s refused to go to the clerk’s office or take the two (2) papers to the clerk, and instead told me to call 951-774-1021, which was the number for the Bankruptcy Court’s clerk. They refused to take the papers, and instead said they would “try” to get someone from the District Court to take the papers. No one came to take them and I went home after 30 minutes of waiting in 106 degree heat.

Since there should have been a drop box, and the civil clerk had a DUTY to take “Emergency” filings, there is a major problem here.

Please file BOTH of these two (2) papers, on an “Emergency” basis, nunc pro tunc to Friday, September 4, 2020, which is when they should have been received and filed “but for” the civil clerk not being open during regular business hours.

Please email me if there are any problems.

Paul Hupp
965 Hidden Oaks Drive
Beaumont, CA 92223
Paulhupp@Gmail.com
951-769-1268



DECLARATION OF SERVICE

Hupp v.
9th Circuit Case No.: 20-
Central District of CA Case No.: EDCV-20-

I, Kim Hayes, declare the following;

1. I am over 18 years of age,
2. I am a party to this action,
3. My address is 965 Hidden Oaks Drive, Beaumont, CA 92223
4. I served a true and correct copy of THE FOLLOWING;

Appellant Paul Hupp's:

1. **PLAINTIFF'S PETITION FOR WRIT OF MANDAMUS;
ALTERNATIVELY NOTICE OF APPEAL UNDER TITLE 28 U.S.C. § 158;
DESIGNATION OF THE RECORD ON APPEAL; PLAINTIFF'S
STATEMENT OF ISSUES; TO THE 9TH CIRCUIT COURT OF APPEAL;
RENEWED IFP (WRIT/APPEAL BASED ON ISSUES IN EMERGENCY
MOTION FILED UNDER CIRCUIT RULE 27-3 THAT IS FILED
CONCURRENTLY)**
2. **APPELLANT'S EMERGENCY MOTION TO ORDER DISTRICT COURT
TO CALENDAR APPELLANT'S *EX PARTE* APPLICATION
FORTHWITH**

ADDRESSED TO;

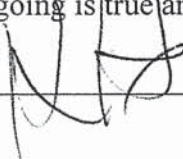
Office of the Clerk U.S. Court of Appeals for the Ninth Circuit P.O. Box 193939 San Francisco, CA 94119-3939	U.S. District Court – Civil Clerk 3470 12th Street Riverside, CA 92501	

By placing said document/s in a sealed envelope into the United States Postal
Service at Beaumont, CA with the postage fully prepaid on;
September 7, 2020;

EXECUTED ON:
September 7, 2020, at Beaumont, CA 92223

I declare under penalty of perjury of the laws of the State of California and the
United States that the forgoing is true and correct.

Declarant-Kim Hayes



565 Hidden Oaks Drive
Beaumont, CA 92223

Office of the Clerk
U.S. Court of Appeals for the Ninth Circuit
P.O. Box 193939
San Francisco, CA 94119-3939

941193939 B939

